

**STATE PERSONNEL BOARD, STATE OF COLORADO**  
Case No. 97D001

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**ORDER OF THE STATE PERSONNEL BOARD**

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COLORADO ASSOCIATION OF PUBLIC EMPLOYEES, et al.,

Complainants,

v.

DEPARTMENT OF HUMAN SERVICES,  
DEPARTMENT OF PUBLIC HEALTH CARE POLICY AND FINANCE,  
DEPARTMENT OF PERSONNEL,

Respondents.

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The State Personnel Board (the "Board") met in public session on February 20, 2001. During this public session, the Board considered the record on appeal, including but not limited to:

1. Second Preliminary Recommendation of the Administrative Law Judge;
2. Order of the State Personnel Board Denying Petition for Hearing;
3. Court of Appeals' Order Affirmed in part, Reversed in Part, and Cause Remanded with Directions; and
4. Court of Appeals' Mandate.

This case came before the Board for review on remand with directions from the Court of Appeals to hold an evidentiary hearing so that the Board may determine (1) the nature, purpose, and impact of the capitation contracts, and (2) whether the Director erred in approving the contracts under section 24-50-504(2)(a) and (3).

In entering an order which comports with the opinion of the Court of Appeals, the Board initially voted to schedule a settlement conference to determine the nature and scope of the evidentiary hearing, with the parties stipulating to a settlement judge. The Board also voted to hold an evidentiary hearing following the settlement conference for the purpose of determining (1) the nature, purpose, and impact of the capitation contracts, and (2) whether the Director erred in approving the contracts under section 24-50-504(2)(a) and (3).

This order reflects the affirmative vote of the following Board members: Ms. Daly, Ms. Siderius, and Mr. Zakhem.

Dated this \_\_\_\_ day  
of February, 2001.

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Melanie Daly, Acting Board Chair  
State Personnel Board  
1120 Lincoln Street, Suite 1420  
Denver, CO 80203

## **CERTIFICATE OF MAILING**

This is to certify that on the \_\_\_\_ day of February, 2001, I placed true and correct copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD** in the United States mail, postage prepaid, addressed as follows:

Vonda G. Hall, Esq.  
1145 Bannock Street  
Denver, CO 80204

John R. Palermo, Esq.  
3333 Quebec Street, Suite 7500  
Denver, CO 80207

and in the interagency mail, addressed as follows:

John D. Baird  
First Assistant Attorney General  
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